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| APPLICATION NO.                    | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/715,836                         | 11/19/2003  | Neil T. Shinner      | 081557-0306904      | 3631             |
| 27799                              | 7590        | 03/31/2006           | EXAMINER            |                  |
| COHEN, PONTANI, LIEBERMAN & PAVANE |             |                      | SANTOS, ROBERT G    |                  |
| 551 FIFTH AVENUE                   |             |                      | ART UNIT            |                  |
| SUITE 1210                         |             |                      | PAPER NUMBER        |                  |
| NEW YORK, NY 10176                 |             |                      | 3673                |                  |

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/715,836 | <b>Applicant(s)</b><br>SHINNER, NEIL T. |  |
|                              | <b>Examiner</b><br>Robert G. Santos  | <b>Art Unit</b><br>3673                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 15, 2006 has been entered.

### ***Claim Objections***

2. Claims 9-14, 16-18, 21 and 25-31 are objected to because of the following informalities: The term --blanket-- should be inserted before each instance of the term "pocket". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14 and 16-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,774,734 to Mills in view of U.S. Pat. No. 5,588,749 to Ishikawa, and further in view of U.S. Pat. No. 5,884,331 to Barajas. Mills '734 is considered to show all of the

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limitations as recited in claims 1-8 and 16-33 (note especially Figures 5-10 & 14; column 3, lines 25-68; column 4, lines 1-5 & 12-58; column 5, lines 1-43 & 47-68; and column 6, lines 1-13 & 51-57) except for the use of a hood attached to an edge of the blanket; a hood storage pocket attached to the blanket; and fastening means to secure the blanket around a user's shoulders. Ishikawa '749 provides the basic teaching of a convertible blanket (2) provided with a hood (3) attached to an edge of the blanket; moreover, Barajas '331 provides the basic teaching of a convertible blanket (12) further including a hood storage pocket (40) and fastening means (29) to secure the blanket around a user's shoulders. The skilled artisan would have found it obvious at the time the invention was made to provide the convertible blanket of Mills '734 with a hood attached to an edge of the blanket in order to increase the versatility of the blanket as desired; furthermore, the skilled artisan would have found it obvious at the time the invention was made to provide the convertible blanket of Mills '734, as modified by Ishikawa '749, with a hood storage pocket and fastening means to secure the blanket around a user's shoulders in order to maintain the hood in close proximity to the blanket when not in use as desired and to ensure proper placement of the blanket relative to the user when the hood is in use, respectively.

With regards to claims 9-14, Mills '734 does not specifically disclose the exact dimensions of the blanket pocket opening, width and depth. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the convertible blanket of Mills '734 with a pocket having the particular opening, width and depth dimensions as claimed by Applicant, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mills '734 in view of Ishikawa '749 and Barajas '331, and further in view of U.S. Pat. No. 5,920,931 to Zuehlke et al. Mills '734, as modified by Ishikawa '749 and as further modified by Barajas '331, does not specifically disclose a condition wherein the blanket is made from a man-made fleece material. Zuehlke et al. '931 provide the basic teaching of a convertible blanket (12) formed from fleece (26). The skilled artisan would have found it obvious at the time the invention was made to form the convertible blanket of Mills '734, as modified by Ishikawa '749 and as further modified by Barajas '331, from a man-made fleece material in order to provide a simple alternative supporting element which imparts enhanced user comfort as desired.

#### ***Response to Amendment***

6. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.


#### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Akkad '139, Riccelli '985, McCarley '993, Terrazas '881, Asher '605 and Asher '362.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (571) 272-7048. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Robert G. Santos  
Primary Examiner  
Art Unit 3673

R.S.  
March 28, 2006